

**5225. Misbranding of macaroni. U. S. \* \* \* v. Cosimo Catalano. Plea of nolo contendere. Fine, \$10 and costs. (F. & D. No. 7606. I. S. No. 763-k.)**

On November 3, 1916, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cosimo Catalano, Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 15, 1915, from the State of Ohio into the State of Massachusetts, of a quantity of an article labeled in part, "Pure Neapolitan Macaroni \* \* \* Gragnano Style," which was misbranded.

Investigation by the Bureau of Chemistry of this department showed that the article was manufactured at Cleveland, Ohio.

Misbranding of the article was alleged in the information for the reason that the statement appearing on the label, regarding the article and the ingredients and substances contained therein, to wit, "Pure Neapolitan Macaroni \* \* \* Gragnano Style," not corrected by the following statement in inconspicuous type on the said label, "Manufactured by the Ohio Egg Noodle and Macaroni Co. Cleveland, Ohio," was false and misleading in that it indicated to purchasers thereof that the article was macaroni which had been manufactured in the Kingdom of Italy; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it had been manufactured in the Kingdom of Italy, when, in truth and in fact, it had not. Misbranding was alleged for the further reason that the article was a domestic product, and had been manufactured in the United States of America, to wit, the city of Cleveland, State of Ohio, and purported to be of foreign origin, to wit, a product of the Kingdom of Italy.

On January 31, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*